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Docket No. 67,010-006
H-2603- Sundyne

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: James Larry Jones
Serial No.: 09/862,910
Group Art Unit: 3743
Filed: May 22, 2001
Examiner: Leonard R. Leo
For: TUBE TYPE HEAT EXCHANGER WITH MOTOR OR
GENERATOR HOUSING

REPLY BRIEF

Box AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

This paper is responsive to the Examiner's Answer mailed July 20, 2004. Although an office action mailed September 15, 2003 (paper no. 15) indicates that Appellant's Reply Brief filed September 3, 2003 had been entered, the Appellant is again filing the Reply Brief since the Examiner was required to file a revised Answer.

The Examiner's revised statement under the status of claims is correct. The Examiner's revised statement under issues is correct when read in conjunction with the Appellant's Statement of the Issues.

Reply to the Examiner's Response to Arguments

On page 5 of the Examiner's Answer, the Examiner states that "Appellant's remarks are

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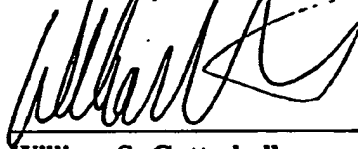
provided the Examiner with the reference as soon as it was apparent that there was a disagreement over its meaning.

The Examiner cannot claim that a dictionary definition represents an accurate meaning of the term "brazing" to one of ordinary skill in the art. Clearly, an engineer in the aerospace industry would know more than a simplified, lay definition of braze as "to solder together using a hard solder with a high melting point." The definition Appellant provided to the Examiner is out of a technical book providing a definition that will be familiar to any engineer. It is readily apparent that the definition provided by the Examiner is of a non-technical nature. Moreover, in fairness to the Appellant, the Examiner must provide a copy of the page from the dictionary to the Appellant. Typically, more than one definition is outlined for a term in the dictionary. The Examiner's characterization of *Schade, Jr.* as teaching "solder/braze" is inaccurate since *Schade, Jr.* does not teach brazing. Soldering and brazing are not equivalent or the same to one of ordinary skill in the art.

For the reasons set forth above, Applicant submits that the pending claims in the application are allowable. Applicant respectfully solicits allowance of these claims. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.



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September 20, 2004
Date